

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANDREW TORO, on behalf of himself and all  
others similarly situated,

Plaintiff,

-against-

WHIRLPOOL CORPORATION,

Defendant.

1:23-cv-00848 (JLR)

**ORDER**

JENNIFER L. ROCHON, United States District Judge:

This case has been assigned to me for all purposes. IT IS HEREBY ORDERED that, within thirty (30) days of service of the summons and complaint, the parties must meet and confer for at least one hour in a good-faith attempt to settle this action. In their discussions, the parties should consider whether Plaintiff has satisfied the threshold requirement of standing. *See, e.g., Calcano v. Swarovski N. Am. Ltd.*, 36 F.4th 68, 77–78 (2d Cir. 2022); *Harty v. W. Point Realty, Inc.*, 28 F.4th 435, 443–44 (2d Cir. 2022). To the extent the parties are unable to settle the case themselves, they must also discuss whether further settlement discussions through the district’s court-annexed mediation program or before a magistrate judge would be productive at this time.

IT IS FURTHER ORDERED that within fifteen (15) additional days (*i.e.*, within forty-five (45) days of service of the summons and complaint), the parties must submit a joint letter informing the Court whether the parties have settled. If the parties do not reach a settlement, the parties shall in the joint letter request that the Court (1) refer the case to mediation or a magistrate judge for a settlement conference (and indicate a preference between the two options), or (2) proceed with an initial status conference.

Dated: February 3, 2023  
New York, New York

SO ORDERED.

  
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JENNIFER L. ROCHON  
United States District Judge